

RESOLUTION NO.

WHEREAS, the City of Austin, Texas (the “City”) has outstanding the following obligations:

City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2012 (the “Series 2012 Bonds”);

City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2013A (the “Series 2013A Bonds”);

City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2014 (the “Series 2014 Bonds”); and

City of Austin, Texas Water and Wastewater System Revenue Refunding Bonds, Series 2020C (the “Series 2020C Bonds”); and

WHEREAS, the Series 2012 Bonds maturing on November 15 in each of the years 2023 through 2029, inclusive, in an aggregate maturity amount not to exceed \$35,690,000, the Series 2013A Bonds maturing on November 15 in each of the years 2023 through 2027, inclusive, in an aggregate maturity amount not to exceed \$24,595,000, the Series 2014 Bonds maturing on November 15 in each of the years 2023 through 2029 and on May 15 in each of the years 2023 through 2027, inclusive, in an aggregate maturity amount not to exceed \$82,115,000, and the Series 2020C Bonds maturing on November 15 in each of the years 2023 through 2029, inclusive, in an aggregate maturity amount not to exceed \$21,935,000, are eligible to be defeased, and all or any portion of the aforementioned bonds described in this paragraph that are selected to be defeased by the City Manager are called the “Defeased Obligations”; and

25 **WHEREAS**, the proceedings adopted by the council authorizing the
26 issuance of the Bonds provide that the City may defease of the Defeased
27 Obligations prior to their scheduled maturities; and

28 **WHEREAS**, the Series 2012 Bonds may be redeemed prior to their
29 scheduled maturities on any date on or after November 15, 2022; the Series 2013A
30 Bonds may be redeemed prior to their scheduled maturities on any date on or after
31 May 15, 2023; and the Series 2014 Bonds may be redeemed prior to their
32 scheduled maturities on any date on or after May 15, 2024; and

33 **WHEREAS**, City staff recommends to council that the defeasance of the
34 Defeased Obligations in the manner described below will be the most beneficial
35 use of available water and wastewater system revenues, resulting in the reduction
36 of the outstanding indebtedness secured by the revenues; and

37 **WHEREAS**, the meeting at which this Resolution is adopted was open to
38 the public, and that public notice of the time, place, and purpose of such meeting
39 was given, all as required by Chapter 551, Texas Government Code; **NOW,**
40 **THEREFORE,**

41 **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF**
42 **AUSTIN, TEXAS:**

43 Section 1. Council hereby authorizes (a) the use of surplus water and
44 wastewater system revenues in an amount not to exceed \$47,000,000 and (b) the
45 use of surplus debt service reserve funds in excess of the “Reserve Fund
46 Requirement” defined in the proceedings authorizing the issuance of Defeased
47 Obligations in an amount not to exceed \$2,729,463, for the purpose of defeasing
48 the Defeased Obligations. No bonds shall be issued, the proceeds of which are
49 used for the specific purpose of defeasing the Defeased Obligations.

Section 2. The City Manager shall select the Defeased Obligations to be defeased to their respective maturities or dates fixed for redemption prior to their respective maturities solely from available water and wastewater system revenues in an amount, together with investment earnings on those revenues, equal to the maturity amount of the Defeased Obligations, plus accrued interest on the Defeased Obligations to their respective maturity dates or dates fixed for redemption. The foregoing notwithstanding, any Series 2020C Bonds selected to be defeased shall not be called for redemption prior to their scheduled maturity dates.

Section 3. The City Manager shall execute and deliver any documents necessary to effect the defeasance of the Defeased Obligations, specifically, any agreement with any paying agent for the Defeased Obligations to hold the amounts deposited and invested to pay the Defeased Obligations at their respective maturity dates or dates fixed for redemption.

Section 4. This Resolution shall become effective immediately upon its passage, in accordance with Section 1201.028, Texas Government Code.

ADOPTED: _____, 2022 **ATTEST:** _____
Jannette S. Goodall
City Clerk